

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

**ASD SPECIALITY HEALTHCARE, INC., d/b/a
ONCOLOGY SUPPLY COMPANY
2801 Horace Shepard Drive,
Dothan, Alabama 36303,**

Plaintiff,

vs.

**ROBERT G. HICKES, M.D.,
1301 Trumansburg Road, Suite Q
Ithaca, New York 14850,**

Defendant.

**CIVIL ACTION NO.:
1:05CV592-T**

ANSWER

COMES now ROBERT G. HICKES, M.D. P.C. (the "Professional Corporation"), and for its answer to the First Amended Complaint says as follows:

- 1-4. The Professional Corporation admits to the averments of paragraphs 1-4.
- 5-6. The Professional Corporation denies the averments of paragraphs 5-6.
7. The Professional Corporation admits to the averments of paragraph 7.
8. The Professional Corporation denies the averments of paragraph 8.
- 9-12. The Professional Corporation admits the averments of paragraphs 9-12.
13. The Professional Corporation denies the averments of paragraph 13.
14. The Professional Corporation incorporates its previous responses.
- 15-18. The Professional Corporation admits the averments of these paragraphs.
19. The Professional Corporation incorporates its previous responses.

20-25. The Professional Corporation admits the averments of these paragraphs.

26. The Professional Corporation incorporates its previous responses.

27-33. The Professional Corporation admits the averments of these paragraphs.

34. The Professional Corporation incorporates its previous responses.

35-37. The Professional Corporation admits the averments of paragraphs 35-37.

38. The Professional Corporation incorporates its previous responses.

39-41. The Professional Corporation denies the averments of paragraphs 39-41.

42. The Professional Corporation incorporates its previous responses.

43-49. The Professional Corporation denies the averments of paragraphs 43-49.

FIRST AFFIRMATIVE DEFENSE

This Court lacks jurisdiction over the Professional Corporation.

SECOND AFFIRMATIVE DEFENSE

The plaintiff's claims against the Professional Corporation are barred by estoppel.

THIRD AFFIRMATIVE DEFENSE

The plaintiff's claims against the Professional Corporation are barred by waiver.

FOURTH AFFIRMATIVE DEFENSE

The plaintiff's claims against the Professional Corporation are barred by Statute of Limitations.

\s\ C. Ellis Brazeal III

Attorney for the Defendant, Robert G.
Hickes, M.D.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Answer has been severed electronically to the following said individuals and/or by placing same in the U.S. First Class Mail, as follows:

James J. Robinson
Heath A. Fite
BURR & FORMAN LLP
3100 SouthTrust Tower
420 North 20th Street
Birmingham, Alabama 35203

This the 28th day of February, 2006.

\s\ C. Ellis Brazeal III
OF COUNSEL